

# In the Court of Appeals of the State of Alaska

**John Lee Vann,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-13093**

## **Order**

Request for Review of Clerk's Intention  
to Enter Judgment for Costs of  
Appointed Attorney

Date of Order: **8/6/20**

Trial Court Case No. **3SW-11-00057CI**

The Appellant, John Lee Vann, appealed the dismissal of his post-conviction relief application to this Court. In *Vann v. State*, Memorandum Opinion No. 6873 (Alaska App. June 3, 2020), this Court remanded case to the superior court for further proceedings on one of the issues raised in Mr. Vann's application for post-conviction relief.

Mr. Vann was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Mr. Vann was represented by court-appointed counsel in this appeal, because Mr. Vann's appeal was a felony merit appeal — and because Mr. Vann's underlying criminal convictions were not reversed — the Office of the Clerk of the Appellate Courts notified Mr. Vann that it intends to enter judgment against him in the amount of \$1,500.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Vann now seeks judicial review of the Appellate Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A). In his request for judicial review of the Clerk's

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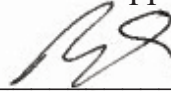
Notice of Intent, Mr. Vann points out that one of the issues he raised in this appeal was remanded to the superior court for further proceedings. This reason, however is insufficient to justify reversing the Clerk's decision to enter a judgment against Mr. Vann for a portion of the cost of his court appointed counsel.

Because Appellate Rule 209(b)(5) and (6) — which apply to merit appeals arising from post-conviction relief proceedings — require criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the cost of the attorneys who represent them at public expense, and because this Court did not reverse Mr. Vann's convictions in this appeal, he is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense.

The decision of the Appellate Court Clerk to enter a **\$1,500.00** judgment against Mr. Vann for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: John Lee Vann at Goose Creek Correctional Center

Distribution:

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